

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
THOMAS KELLER,  
  
Defendant.

---

Case No. 18-cr-00462-VC-1

**ORDER RE JOURNAL ENTRIES AND  
OTHER PRESCRIBERS**

Re: Dkt. No. 182, 185, 195

This order summarizes the Court's rulings on Keller's journal entries relating to his financial insecurities (Government's Motion No. 3 and Defense's Motion No. 4) and evidence of other prescribers (Government's Motion No. 7).

Keller's journal entries relating to his financial insecurities are excluded under Rule 403. The risk of undue prejudice stemming from the coarse language and unsavory opinions expressed by Keller substantially outweighs their minimal probative value of suggesting a potential motive to overprescribe. But the entries about canceling his malpractice insurance, which the government mentions in its brief regarding financial insecurities, are admissible because they fall in the category of statements in which Keller describes himself as a "legal drug dealer" and "not a doctor." *See* Dkt. No. 243 at 2.

The government's motion regarding evidence of other prescribers is granted in part and denied in part. The defense may not do anything that calls into question the government's charging decisions, suggests that Keller has been unfairly singled out, or suggests that others are worse offenders. But Keller may introduce evidence about the legitimate scope of medical practice by reference to other doctors' practices (for example, by introducing evidence that other

doctors prescribed similar dosages or combinations of controlled substances).

**IT IS SO ORDERED.**

Dated: December 14, 2021

A handwritten signature in black ink, appearing to read 'V. Chhabria', is positioned above a horizontal line.

---

VINCE CHHABRIA  
United States District Judge